

1 BILL NO. R-97-07 -24

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3 RESOLUTION NO. R----- 48-97

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**A RESOLUTION AUTHORIZING THE CITY CLERK
TO SUBSTITUTE PAGES IN ORDINANCE S-63-97.**

WHEREAS, on July 1, 1997, the Common Council of the City of Fort Wayne, Indiana, did adopt Ordinance S-63-97; and

WHEREAS, subsequent to passage, various scrivener errors were discovered that necessitate the substitution of certain pages in said Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That pages 32 and 33 of Ordinance S-63-97 be replaced with the attached new pages 32 and 33; Exhibit "A" replaced with the attached new pages 36 and 37; and Exhibit "B" replaced with the attached new page 38.

SECTION 2. Ordinance S-63-97 shall be distributed with the substituted pages as if the substituted pages were incorporated in the original Ordinance.

SECTION 3. That this Resolution shall be in effect from and after its passage and any and all necessary approval by the Mayor.



Council Member

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCaulay
J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Selznick,
and duly adopted, read the second time by title and referred to the Committee on
Finance, (and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on _____,
the _____ day of _____, 19____, at _____
o'clock _____ M., E.S.T.

DATED: 7-22-97

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Selznick,
and duly adopted, placed on its passage. PASSED LOSD
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 7-22-97

SANDRA E. KENNEDY, CITY CLERK

Sandra E. Kennedy

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)
(ZONING) ORDINANCE RESOLUTION NO. Q-48-97
on the 22nd day of July, 1997

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

ATTEST: THOMAS P. HELMKE
SEAL
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
23rd day of July, 1997,
at the hour of 2:30, o'clock, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day
of July, 1997, at the hour of 4:00
o'clock, M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

1 receives an opinion of nationally recognized bond counsel that any Tax Section is
2 unnecessary to preserve the Tax Exemption.

3 Section 23. Issuance of BANs. (a) The City, having satisfied all the statutory
4 requirements for the issuance of its 1997 Bonds, may elect to issue its BAN or BANs to a
5 financial institution, the Indiana Bond Bank, or to any other purchaser, pursuant to a Bond
6 Anticipation Note Purchase Agreement (the "Purchase Agreement") to be entered into
7 between the City and the purchaser of the BAN or BANs or otherwise. The Common
8 Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of
9 initially issuing the 1997 Bonds to provide interim financing for the Project until
10 permanent financing becomes available. It shall not be necessary for the City to repeat the
11 procedures for the issuance of its 1997 Bonds, as the procedures followed before the
12 issuance of the BAN or BANs are for all purposes sufficient to authorize the issuance of
13 the 1997 Bonds and the use of the proceeds to repay the BAN or BANs.

14 (b) The Mayor and the Controller are hereby authorized and directed to
15 execute a Purchase Agreement in such form or substance as they shall approve acting
16 upon the advice of counsel. The Mayor and the Controller may also take such other
17 actions or deliver such other certificates as are necessary or desirable in connection with
18 the issuance of the BANs or the 1997 Bonds and the other documents needed for the
19 financing as they deem necessary or desirable in connection therewith.

20 Section 24. Defaults. In the event available moneys hereunder, subject to the
21 restrictions on use of money held under this Ordinance as set forth herein, and other
22 monies available for such purpose are insufficient to pay debt service on all bonds payable
23 from the revenues of the sewage works when due, available moneys shall be applied, after
24 payment of all costs and expenses associated therewith, to the Parity Bonds, the 1997
25 Bonds and any additional bonds issued in accord with Section 19 hereof ("Additional
26 Bonds"), subject to any rights of the holders of the Senior Bonds, as follows:

27 First - To the payment to the persons entitled thereto of all installments of interest
28 then due, including interest on any past due principal at the rate borne by such bond, in the
29 order of the maturity of the installments of such interest and, if the amount available shall
not be sufficient to pay in full any particular installment, then to such payment ratably,
according to the amounts due on such installments, to the persons entitled thereto, without
any discrimination or privilege; and

27 Second - To the payment to the persons entitled thereto of the unpaid principal of
28 and premium on any of such bonds which shall have become due either at maturity or
29 pursuant to a call for redemption (other than bonds called for redemption for the payment
of which other moneys are held), in the order of their due dates, and, if the amount
available shall not be sufficient to pay in full amounts due on any particular date, then to
such payment ratably, according to the amount due on such date, to the persons entitled

1
2 thereto without any discrimination or privilege.
3

4 During the continuance of any default in the payment of either principal or
5 interest or premium on any Parity Bond, any 1997 Bond or any Additional Bond, and
6 during any time that the amount held in the Sewage Works Reserve Account in less than
7 the Sewage Works Reserve Requirement, no payment shall be made with respect to any
8 subordinate and junior bonds issued in accord with Section 20(d) hereof ("Junior
9 Additional Bonds"). Moneys available for payment to holders of Junior Additional Bonds
10 shall, in the event of any insufficient amount being available to pay all debt service with
11 respect to the Junior Additional Bonds when due, be applied to the Junior Additional
12 Bonds in accordance with the sequence and other terms set forth above with respect to
13 payments regarding the Parity Bonds, the 1997 Bonds, and the Additional Bonds unless
14 otherwise provided in the ordinance authorizing the Junior Additional Bond.
15

16 Section 25. Rate Ordinance. The rates and charges of the sewage works are set
17 forth in Ordinance No. G-07-97 adopted on July 1, 1997. Such ordinance is incorporated
18 hereby by reference.
19

20 Section 26. Satisfaction of Parity Bond Tests of Parity Ordinances. The
21 Common Council hereby finds and determines that the adoption of this ordinance and the
22 issuance of the 1997 Bonds in compliance with the Parity Ordinances does not and will
23 not adversely impact the interests of the owners of the Parity Bonds. The Parity
24 Ordinance shall remain in full force and effect.
25

26 Section 27. Severability. If any section, paragraph or provision of this ordinance
27 shall be held to be invalid or unenforceable for any reason, the invalidity or
28 unenforceability of such section, paragraph or provision shall not affect any of the
29 remaining provisions of this ordinance.
30

31 Section 28. Other Action. The appropriate officers are hereby authorized to take
32 all actions to obtain a rating, bond insurance or any other form of credit enhancement for
33 the 1997 Bonds if economically feasible and desirable and with the favorable
34 recommendation of the financial advisors to the City. In addition, the appropriate officers
35 of the City are hereby authorized and directed to take any other action deemed necessary
36 or advisable in order to effectuate the acquisition and construction of the Project, the
37 issuance of the BANs or 1997 Bonds, or any other purposes of this ordinance.
38

39 Section 29. Amendment of Ordinance without Consent of Bondholders. The
40 Common Council may, from time to time, and without the consent of bondholders, adopt
41 ordinances supplemental hereto (which supplemental ordinances shall
42

Exhibit A

PROJECT DESCRIPTION

The Project consists of the following described projects and related improvements to the sewage works of the City:

FINE PORE AERATION AND DENITRIFICATION PROJECT

This program will result in the replacement and modification of existing coarse bubble air diffusers used in the biological treatment process at the Water Pollution Control Plant (WPCP) with fine pore air diffusers. This project includes the modification of the aeration system to provide an anoxic denitrification zone within the existing aeration tanks. The replacement and modification will provide for more efficient operation of the WPCP, resulting in decreased electrical power usage and cost.

NORTH MAUMEE INTERCEPTOR RELIEF PROJECT

This project consists of the design and construction of approximately 9,800 L.F. of 24 and 36 inch diameter sanitary sewer to serve as a relief sewer to the North Maumee interceptor north of North River Road. The North Maumee relief interceptor will eliminate hydraulic deficiencies that result in sewer back-ups and system overflows during wet weather conditions, and will provide capacity improvements for continued and expanded service to the northeast district of the City's sewer service area.

ST. MARY'S INTERCEPTOR RELIEF PROJECT

This project consists of the design and construction of approximately 2,200 L.F. of 21, 24 and 36 inch diameter sewer, including an inverted siphon under the St. Mary's River, to serve as a relief sewer to the St. Mary's interceptor in the vicinity of Swinney Park. The St. Mary's relief project will eliminate hydraulic deficiencies that result in sewer back-ups and system surcharging in the Waynedale area and provide capacity improvements for continued and expanded service to the south central and southwest districts of the City's sewer service area.

CAPACITY IMPROVEMENTS PROJECT

The Wastewater Facilities Master Plan identified hydraulic deficiencies in the City's wastewater collection system in both the combined sewer and the separate sanitary interceptor systems. More than 40 of the combined sewer subbasins are inadequate to transport flows for a 25-year storm event with the majority of the

1 subbasin systems having inadequate capacity to transport a 10-year event. The
2 separate sanitary interceptor systems, particularly the North Maumee, Clinton,
3 Junk Ditch, St. Joseph and Spy Run systems, also experience hydraulic
4 deficiencies during wet weather periods due to clearwater infiltration and inflow.
As a result, sewer back-ups, surcharging, overflows and street flooding occur in
systems with inadequate capacity.

5 This program consists of the study, design and construction of improvements over
6 a ten year period to provide a minimum hydraulic capacity available to handle and
7 convey up to a 25-year storm event in each of the combined sewer subbasins
8 without backups, street flooding and without causing an increase in combined
sewer overflows at other points. In addition, for the separate interceptor systems,
the improvements would provide a minimum capacity available to handle all wet
weather events without backups or overflows.

9 The Capacity Improvements Program has identified the combined sewer system as
10 the priority under the first phase(s) of the program and combined sewer subbasins
11 have been prioritized for planning and scheduling of improvements. The separate
12 interceptor systems are also being prioritized for planning and scheduling of
improvements to be undertaken concurrent with the combined sewer
13 improvements program. Improvements include, but are not limited to, partial and
14 full sewer separation, relief sewers, storage/equalization, infiltration and inflow
removal, and replacement.

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CITY OF FORT WAYNE
SEWAGE WORKS JUNIOR REVENUE BONDS OF 1997

Exhibit B

Proposed Principal payable annually,
Beginning August 1, 1998
Interest payable semi-annually,
Beginning February 1, 1998

PROPOSED SCHEDULE

	<u>Date</u>	<u>Principal Amount</u>
10	August 1, 1998	\$1,205,000
11	August 1, 1999	1,260,000
12	August 1, 2000	1,325,000
13	August 1, 2001	1,395,000
14	August 1, 2002	1,475,000
15	August 1, 2003	1,560,000
16	August 1, 2004	1,650,000
17	August 1, 2005	1,750,000
18	August 1, 2006	1,860,000
19	August 1, 2007	1,975,000
20	August 1, 2008	2,100,000
21	August 1, 2009	2,230,000
22	August 1, 2010	2,375,000
23	August 1, 2011	2,535,000
24	August 1, 2012	2,705,000



The City of Fort Wayne

Paul Helmke, Mayor

Memorandum

To: MEMBERS OF COMMON COUNCIL

From: J. TIMOTHY MCCAULAY, CORPORATION COUNSEL

DATE: JULY 21, 1997

RE: SEWER BOND ORDINANCE PAGE REPLACEMENT

On July 1, 1997, Council did pass Ordinance S-63-97 authorizing the 1997 Sewage Works Revenue Bonds to provide for additions and improvements in four areas of the Sewage Works:

1. Fine pore aeration and denitrification project;
2. North Maumee interceptor relief project;
3. St. Mary's interceptor relief project;
4. Certain capacity improvements to the combined sewer and interceptor collector systems.

This Resolution permits the substitution of corrected pages into the Sewer Bond Ordinance S-63-97 adopted July 1, 1997. The corrected pages eliminate scrivener's errors that resulted from a defective computer disk. The corrected pages do not change the scope of the projects nor the terms of the bond issue.

This Resolution should be adopted on the date of introduction.

BILL NO. R-97-07-24

REPORT OF THE COMMITTEE ON FINANCE

DONALD J. SCHMIDT - JOHN N. CRAWFORD - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN (XXXXXX) (RESOLUTION) authorizing the City
Clerk to substitute pages in Ordinance S-63-97

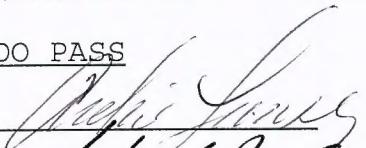
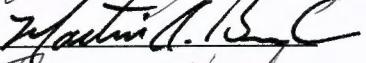
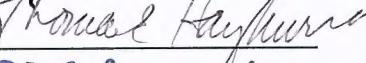
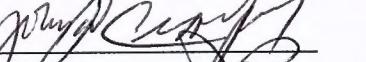
HAVE HAD SAID (XXXXXX) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(XXXXXX) (RESOLUTION) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u></u>	_____	_____	_____
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DATED: 7-22-97

Sandra E. Kennedy
City Clerk